



# FEDERAL FISH AND WILDLIFE PERMIT

1 PERMITTEE

LA PLATA INVESTMENTS  
2315 BRIARGATE PARKWAY, #100  
COLORADO SPRINGS, CO 80920  
U.S.A.

2 AUTHORITY-STATUTES  
16 USC 1533(d)

REGULATIONS (Attached)  
50 CFR 17.32

50 CFR 13

3 NUMBER  
**TE064967-0**

4 RENEWABLE  
 YES  
 NO

5 MAY COPY  
 YES  
 NO

6 EFFECTIVE  
02/28/2003

7 EXPIRES  
02/28/2033

8 NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)  
SCOTT E. SMITH  
MANAGER

9 TYPE OF PERMIT  
THREATENED SPECIES

10 LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

11 CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE.
- D. Further conditions of authorization are contained in the attached Special Terms and Conditions.

*NCP*

Permitted species:  
Preble's meadow jumping mouse

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12 REPORTING REQUIREMENTS  
ANNUAL REPORT DUE: 12/31

ISSUED BY	TITLE ARD - ECOLOGICAL SERVICES	DATE 02/28/2003
-----------	------------------------------------	--------------------

DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE



FEDERAL FISH AND WILDLIFE PERMIT

3-201 (10/86)

2. AUTHORITY-STATUTES  
16 USC 1539(a)  
16 USC 1533(d)

REGULATIONS (ATTACHED)  
50 CFR §13, 17, & 21

3. NUMBER  
**TE-064967-0**

4. RENEWABLE	5. MAY COPY
<u>  X  </u> YES <u>     </u> NO	<u>  X  </u> YES <u>     </u> NO

6. EFFECTIVE	7. EXPIRES 30 years from Issuance
--------------	---

1. PERMITTEE

La Plata Investments, LLC  
2315 Briargate Parkway  
Suite 100  
Colorado Springs, CO 80920  
(719) 260-7477

8. NAME AND TITLE OF PRINCIPAL OFFICER (IF # 1 IS A BUSINESS)  
Scott E. Smith, Manager

9. TYPE OF PERMIT  
Endangered/Threatened Species

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

The Briargate Development, El Paso County, Colorado - as specified in the Permittee's EA/HCP.

11. CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR § 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE, AND HIS DESIGNATED AUTHORIZED AGENTS.
- D. FURTHER CONDITIONS OF AUTHORIZATION ARE CONTAINED IN THE ATTACHED SPECIAL TERMS AND CONDITIONS.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ON REVERSE ALSO APPLY

12. REPORTING REQUIREMENTS

AS DESCRIBED IN THE PERMITTEE'S EA/HCP.

ISSUED BY	TITLE	DATE
<i>Ralph O. Myrland</i>	<i>Regional Director</i>	<i>2/28/03</i>

ORIGINAL

**U.S. FISH AND WILDLIFE SERVICE, LAKEWOOD, COLORADO**  
**PERMIT CONDITIONS FOR TE-064967-0, page 1 of 2**

- E. All sections of Title 50 *Code of Federal Regulations*, parts 13 and 17 are conditions of this permit (Attachments 1 and 2).
- F. The Permittee agrees to allow U.S. Fish and Wildlife Service personnel to enter the property, upon reasonable notice, as identified in Block 10 of this permit for general purposes as specified in 50 CFR § 13.21(d)(2).
- G. The authorization granted by this permit is subject to compliance with, and implementation of, the final "Environmental Assessment and Habitat Conservation Plan for the Issuance of an Endangered Species Act Section 10(a)(1)(B) Permit for the Briargate Development, Located along Upper Pine Creek, Colorado Springs, El Paso County, Colorado" (EA/HCP), which is hereby incorporated into this permit.
- H. The permittee and agents designated by the permittee are authorized under the Federal Endangered Species Act of 1973, as amended (Act), to incidentally take those Preble's associated with the permanent loss of approximately 57.55 acres of suitable habitat and temporary loss of 26.38 acres of suitable habitat.
- I. The permittee, or agents designated by the permittee, shall ensure that the mitigation measures described in the EA/HCP act to avoid, minimize, and compensate for adverse impacts to the Preble's and its habitat, be completed.
- J. The permittee, or agents designated by the permittee, shall ensure that any incidental take of Preble's complies with all terms and conditions of the Biological Opinion (ES/LK-6-CO-03-F-005) accompanying this permit and incorporated herein by reference.
- K. The permittee, or agents designated by the permittee, shall ensure that workers onsite will be informed by permittee or its designated contractor as to the reason for, and importance of, limiting impacts to vegetated habitat outside the fenced work area.
- L. The permittee, or agents designated by the permittee, shall provide a report to the Service, which includes photographic documentation of site conditions prior to construction and at completion of each phase of project construction as defined in the EA/HCP.
- M. The permittee, or agents designated by the permittee, shall conduct monitoring of all revegetation efforts as detailed in the EA/HCP.
- N. Upon finding dead, injured, or sick endangered or threatened wildlife species, the permittee or designated agents must notify, orally within 1 working day, the Service's Colorado Field Office. Written notification to the Colorado Field Office must be made within 3 working days and must include the date, time, and location of the specimen and any other pertinent information. Dead animals may be marked in an appropriate manner, photographed, and

**PERMIT CONDITIONS FOR TE-064967-0, cont'd, page 2 of 2**

left on site. Should any sick or injured animals survive, the Service should be contacted regarding final disposition of the animals. Care should be taken in handling sick or injured specimens to ensure effective treatment and care taken in handling dead specimens to preserve biological materials in the best possible state for later analysis of cause of death. In conjunction with the care of sick or injured endangered species or preservation of biological materials from a dead animal, the finder has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed. In the event that a species has been taken in contravention of any Federal, State, or local law, all relevant information shall be reported within 24 hours to the Colorado Field Office or the Service's Division of Law Enforcement in Lakewood, Colorado (telephone 303-274-3560).

- O. A copy of this permit must be in the possession of the permittee or designated agents while conducting activities. Please refer to the permit number in all correspondence concerning permit activities.
  
- P. The Permittee and the U.S. Fish and Wildlife Service acknowledge that even with the above detailed provisions for mitigating impacts to the Preble's meadow jumping mouse, circumstances could arise which were not fully anticipated by this Permit and which are considered unforeseen. Such circumstances may become apparent either to the Permittee, his authorized agents, or to personnel of the Service. For purposes of implementation of this condition, unforeseen circumstances are defined as any significant, unanticipated adverse change in the status of the species; any significant, unanticipated adverse change in impacts of the Project, or in other factors upon which the HCP and Permit are based; or any other significant new information relevant to the Permit and Project that was unforeseen by the Permittee and the Service that could give rise to the need to review the Permittee's conservation program. If unforeseen circumstances arise, the Permittee and the contact office of the Service shall meet within twenty (20) working days following notice of such unforeseen circumstances. The Permittee shall develop appropriate measures and begin their implementation within and additional thirty (30) working days.
  
- Q. For purposes of administration of the monitoring and compliance aspects, addressing unforeseen circumstances, and other matters associated with implementation of this Permit, the contact office of the U.S. Fish and Wildlife Service is:

Field Supervisor  
U.S. Fish and Wildlife Service  
Colorado Field Office  
755 Parfet Street, Suite 361  
Lakewood, CO 80215  
Telephone 303-275-2370